

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 391
95TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 7, 2009, with recommendation that the Senate Committee Substitute do pass.

1921S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 319, RSMo, by adding thereto one new section relating to public safety arising from geologic sequestration.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 319, RSMo, is amended by adding thereto one new section, to be known as section 319.600, to read as follows:

319.600. 1. As used in this section:

(1) "Entity", any person, group of persons, partnership, firm, association, joint stock association, corporation, cooperative, state agency, federal agency, political subdivision, municipality, any institution of higher education, or any other legal entity, whether profit or nonprofit;

(2) "Single injection site", all contiguous real property owned, leased, or licensed by the entity or entities engaged contractually in such injection at a particular location, regardless of where a release or migration may occur, within or without the single injection site, and regardless of the number of injection points within the single injection site.

2. The limits of liability for personal injury or death of any public or private entity arising from or related to the geologic sequestration of carbon dioxide or related substances resulting from the combustion of coal, natural gas, propane, or any other substances in the generation of electricity, or any sequestration research or testing related thereto, shall not exceed two million dollars for all claims arising from a single injection site and shall not exceed three hundred thousand dollars for any one person arising from a single injection site,

21 except for those claims governed by chapter 287, RSMo.

22 3. No award for personal injury or death arising from or related
23 to the geologic sequestration of carbon dioxide and related substances
24 resulting from the combustion of coal, natural gas, propane, or any
25 other substances in the generation of electricity, or any sequestration
26 research or testing related thereto, shall include punitive or exemplary
27 damages.

28 4. The limitations on liability set forth in this section shall
29 include any liability for the acts or omissions of the employees or
30 agents of the public or private entity involved or related to the geologic
31 sequestration of carbon dioxide and related substances or
32 sequestration research or testing.

33 5. If the amount awarded to or settled upon multiple claimants
34 exceeds two million dollars, any party may apply to the appropriate
35 circuit court to apportion his or her proper share of the total
36 amount. Such share shall be in the proportion that the ratio of the
37 award or settlement bears to the aggregate awards and settlements for
38 all claims arising out of a single injection site, but shall not exceed
39 three hundred thousand dollars.

40 6. Nothing in this section shall be construed to waive any
41 immunities or requirements of any cause of action, or create any cause
42 of action.

43 7. The provisions of this section shall only apply to single
44 injection sites located in a county of the first classification with more
45 than two hundred forty thousand three hundred but fewer than two
46 hundred forty thousand four hundred inhabitants.

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